

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 8:05CR342
Plaintiff,)
)
)
vs.)
)
MAURICE ELLIS BLACKBIRD,)
MARCEL ELMER BLACKBIRD,)
JOHN RAY MONIZ and)
SHERRY MONIZ DUEY,)
)
Defendants.)

This matter is before the court on the motion for an extension of time by defendant Sherry Moniz Duey (Duey) (Filing No. 53). Duey seeks an additional thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 50). Duey's counsel represents that Duey will file an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Duey's counsel represents that government's counsel has no objection to the motion. **The pretrial motion deadline will be extended for all defendants in this case.** Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Duey's motion for an extension of time (Filing No. 53) is granted. **All defendants** are given until **on or before November 17, 2005**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 18, 2005 and November 17, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 18th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge